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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JIMMIE T. DEAN,

10 Plaintiff,

11 v.

12 KING COUNTY METROPOLITAN  
(METRO) TRANSIT SYSTEM, et al.,

13 Defendants.  
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Civil Case No. C16-1821RSL

ORDER GRANTING DEFENDANT  
AMALGAMATED TRANSIT UNION,  
LOCAL 587'S MOTION TO DISMISS

15 This matter comes before the Court on “Defendant Amalgamated Transit Union, Local  
16 587's Motion to Dismiss.” Dkt. # 15. Plaintiff alleges that he was wrongfully terminated from his  
17 job with King County Metro and that his union, defendant Amalgamated Transit Union, Local  
18 587, gave “little or no assistance during this time other than a brush off by stating that there was  
19 nothing the union could do for him to assist him with getting his job back.” Dkt. # 1-1 at 2.  
20 Identical claims were filed in King County Superior Court in June 2015. Dkt. # 16 at 9. Those  
21 claims were dismissed with prejudice in August 2015. Dkt. # 16 at 27.<sup>1</sup> Local 587 seeks  
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24 <sup>1</sup> In the context of a motion to dismiss, the Court’s review is generally limited to the contents of  
25 the complaint. Campanelli v. Bockrath, 100 F.3d 1476, 1479 (9th Cir. 1996). The Court has, however,  
26 taken judicial notice of documents filed in the previous court case not for the truth of the facts recited  
therein, but for the existence and resolution of the claims asserted. Lee v. City of Los Angeles, 250 F.3d  
668, 689-90 (9th Cir. 2001).

1 dismissal of the claims, arguing that they are barred by collateral estoppel, are not adequately  
2 plead, and fail on the merits.

3 Defendant's motion was noted for consideration on June 2, 2017. On May 30, 2017,  
4 plaintiff filed a one-page response indicating that he is proceeding pro se, that motions to dismiss  
5 are disfavored, and that he is working on an amended answer. Dkt. # 17. During the past three  
6 weeks, plaintiff contacted chambers at least twice to reiterate that he intended to file a more  
7 complete response. The stated dates for filing have come and gone, however, and no further  
8 response has been submitted. More importantly, it does not appear that any amendment could  
9 cure the res judicata/collateral estoppel problem identified by Local 587. Plaintiff's claims were  
10 previously asserted against the same parties and were finally resolved against plaintiff. He may  
11 not pursue them here.

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13 For all of the foregoing reasons, defendant Amalgamated Transit Union, Local 587's  
14 motion is GRANTED. The claims against that defendant are hereby DISMISSED without leave  
15 to amend.

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17 Dated this 30th day of June, 2017.

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19 Robert S. Lasnik  
20 United States District Judge  
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